

EXHIBIT 42

Deposition Transcript

Case Number: 3:23-cv-01652-VC

Date: March 6, 2024

In the matter of:

CUVIELLO, et al. v ROWELL RANCH
RODEO, INC., et al.

DENIZ BOLBOL

**CERTIFIED
COPY**

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DENIZ BOLBOL
MARCH 06, 2024

JOB NO. 886301

<p style="text-align: right;">Page 50</p> <p>1 A. They were obsessed with this free speech 2 box. They didn't like our message. It was obvious 3 they didn't like our message. If we were out there 4 with "The rodeo's fun," they wouldn't have said boo 5 to us. 6 Q. Do you know if Mr. Hart could have arrested 7 you? 8 A. I didn't know at the time. I didn't 9 know -- you know, I don't recall knowing that. 10 Q. So at the time, did you believe he could 11 arrest you? 12 A. Well, there was a cop with him, so yeah. 13 Q. But Mr. Hart himself -- did you think he 14 could arrest you? 15 A. I didn't know. 16 Q. Yeah. But what did you think at the time? 17 A. I didn't know. 18 Q. And what did Mr. Hart ask of Mr. Cuviello 19 and yourself when he first approached you, if you 20 can recall? 21 A. I don't recall. 22 Q. Okay. 23 A. I don't want to be inaccurate. The video 24 is record for me. 25 Q. I'm just asking for your best recollection</p>	<p style="text-align: right;">Page 51</p> <p>1 as you sit here now without the video. 2 A. I understand, and the best recollection is 3 going to be on the video. I don't recall. I don't 4 want to give a detail that ends up being not 5 accurate when we have video. So there's no reason 6 to play a memory game with me. 7 Q. Do you recall Mr. Hart saying -- well, let 8 me back up. 9 Do you remember your husband, Mr. Cuviello, 10 asking if you were going to be arrested? 11 A. So I was present, but I try to keep 12 leafletting even when people try to come and 13 interfere with my leafletting. Okay? Because one 14 of the methods they use is they sit there and want 15 to talk to you for a really long time while most of 16 the patrons are going in, and "Oops, you just didn't 17 get to leaflet all those people, and we stood in 18 front of your signs while we did it." I mean, this 19 is, like, total MO. 20 So I don't recall exactly what my husband 21 and Mr. Hart were saying. I remember at some point 22 there was this "Are we going to be arrested?" 23 "Well, you'll find out," or something to 24 that effect, and it was, like, the threat was there 25 that "We are probably going to arrest you. We may</p>
<p style="text-align: right;">Page 52</p> <p>1 arrest you," and I remember my husband kept going on 2 and on about "We don't want to be arrested. Tell us 3 now." And it was, like, obvious they were playing 4 these games, like, "Well, we might." 5 Q. Is that your recollection as you sit here 6 now, that Mr. Hart said he might arrest you? 7 A. I don't remember what Mr. Hart said. I'm 8 just telling you I was not paying that close 9 attention. I would have to look at the video if you 10 want verbatim. The inference was they were going to 11 use the threat of arrest to try to coerce us to do 12 something. That was my impression. 13 My impression was they were trying to use 14 the cop standing there in full uniform in an effort 15 to try to intimidate me to move somewhere that I 16 didn't want to move to where I would not be seen. 17 Q. Were you ever threatened with a citation? 18 A. On that day? 19 Q. Yes. 20 A. I don't recall being threatened with a 21 citation. 22 Q. Did anyone threaten you with arrest? 23 A. I was threatened with arrest because they 24 came up to me telling us -- they -- let me put it 25 this way: When my husband said, "Are we going to be</p>	<p style="text-align: right;">Page 53</p> <p>1 arrested?" no one said no. If they had said, "No, 2 you're not going to be arrested. We're just asking 3 you to move" -- no one said that. No one said, 4 "You're not going to be arrested." 5 Based on my experience -- and everybody, an 6 average person, a reasonable person, when a cop is 7 standing there next to someone saying, "You need to 8 move," and you say, "Am I going to be arrested?" and 9 they said, "You'll find out" or "Wait and see" or 10 whatever they said, you go, "Gee, they're 11 threatening me with arrest." 12 That's a reasonable response, and most 13 people would move because they're intimidated. When 14 you have a police officer standing there with the 15 authority to arrest you, whether it's legal or not, 16 there's a real chance that can happen, and I don't 17 know if you haven't experienced that, but lots of 18 people have experienced this. 19 Q. Were the words -- 20 A. And it's upsetting. It's upsetting as 21 well. It's really upsetting because you know what 22 you feel like when you're out there and the cop has 23 all this power, and you have no power? You feel 24 helpless. 25 Q. Did any of the officers or Mr. Hart ever</p>

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<p style="text-align: right;">Page 54</p> <p>1 say, "You are going to be under arrest"? 2 A. You'll have to check the video. 3 Q. From your recollection? 4 A. I don't recall. I obviously didn't get 5 arrested. 6 Q. Did anyone physically -- I'm talking about 7 the officers. Or let's go with Mr. Hart. 8 Did Mr. Hart ever physically touch you? 9 A. No. I don't recall anyone touching. 10 Q. Did -- 11 A. No one from Alameda County or HARD touched 12 me. The Rowell Ranch people touched me. 13 Q. Okay. So no one detained you? No one 14 arrested you? 15 A. No. 16 Q. Did they force you to move? 17 A. They tried to coerce me. 18 Q. But did they force you? Did they 19 physically force you to move to another area? 20 A. Nobody touched me, no. Let me qualify 21 that. HARD and the Alameda County Sheriff did not 22 touch me because Rowell Ranch people did touch me 23 later. 24 Q. So no one from law enforcement touched you? 25 A. That's correct.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Did anyone threaten to -- from law 2 enforcement or HARD threaten to physically move you? 3 A. Did they say the words, "I'm going to 4 physically move you right now"? No. 5 Q. Just give me one moment here. 6 Did Mr. Hart ever advise you of what you 7 were going to be arrested for, if anything? 8 A. You know, I really didn't talk to Mr. Hart, 9 I don't believe, so. 10 Q. Did you hear the conversation between 11 Mr. Hart and Mr. CuvIELLO? 12 A. I think I heard bits and pieces, but I 13 didn't -- I wasn't paying full -- I don't recall 14 paying full attention to it. But anything that was 15 said during that, I just want to restate I rely on 16 the video because that's a true occurrence. That's 17 what happened. 18 Q. I understand that, but I just want to know 19 if you heard it, right? So you could hear some 20 things on the video at a later time, but in that 21 moment -- 22 MS. BLOME: I'm going to object as asked 23 and answered. It's getting to the point where 24 you're badgering her a bit. 25 MR. SYREN: I just want to know if she</p>
<p style="text-align: right;">Page 56</p> <p>1 heard -- 2 MS. BLOME: She said no a hundred times. 3 She said she doesn't -- she wasn't involved with the 4 Hart conversation or Mr. CuvIELLO and Mr. Hart. She 5 didn't hear it. She doesn't remember it. "Check 6 the video." She said it 50 times by now. 7 MR. SYREN: Okay. For the record, I'll ask 8 one last time, and that will be it. 9 MS. BLOME: No. No. Objection. It 10 doesn't need to be asked again. 11 MR. KHAN: He can still ask it. 12 MS. BLOME: I understand. 13 BY MR. SYREN: 14 Q. Did you hear the conversation between 15 Mr. Hart and Mr. CuvIELLO? 16 A. As I said, bits and pieces. 17 Q. Okay. And after that interaction, at what 18 point did you first view the video that you took, if 19 you can recall? 20 A. Probably that night. 21 Q. Okay. Did you have any other interactions 22 with Mr. Hart later that day? 23 A. I don't recall personally having more 24 interactions with Mr. Hart. 25 Q. Okay.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. You're talking about at that front entrance 2 area, right? After that front entrance, that whole 3 scene we were just talking about, right? 4 Q. I believe we were talking about the same 5 area where the officers approached you, when they 6 first came to approach you. 7 A. When they first came. 8 Q. You talked about -- I think there was the 9 white guy, that same area. 10 A. Yeah, the first interaction. 11 Q. Yeah. 12 A. Yeah. No. I don't recall anything else 13 with Mr. Hart later. 14 Q. Okay. 15 A. If he was around, I don't remember. 16 Q. Do you remember if he -- this is 17 specifically directed to you -- if he asked you if 18 you were going to move to the free speech zone? 19 A. Yeah. I think he went and asked every 20 single person. That's -- I wasn't sure if it was 21 him or Mayfield, but you gave me a tip there. So 22 they were working in concert. So, you know, it kind 23 of blends together for me. 24 Q. Okay. Do you remember how you responded to 25 that questioning?</p>

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<p style="text-align: right;">Page 90</p> <p>1 A. I don't know. I wasn't paying attention 2 until the trouble started. 3 Q. Okay. That's why I'm asking. You don't 4 recall seeing him on the phone? 5 A. I don't recall. He may have been. He may 6 not have been. I have no idea. If nobody's 7 bothering me, I'm not watching. 8 Q. And did Mr. Hart and Deputy Mayfield 9 approach you guys together? 10 A. That's my recollection. 11 Q. Okay. And do you have a description of 12 Deputy Mayfield's demeanor as he approached you? 13 A. Well, that's very subjective. 14 Q. Understood. That's why I'm trying to get 15 what your subjective observations were. 16 A. Based on my experience, I thought he was 17 very condescending and trying to push his weight 18 around. 19 Q. So as he approached you -- 20 A. No. When he spoke. 21 Q. I'm asking when he approached you -- 22 A. Oh. 23 Q. So as he approached you with Mr. Hart, can 24 you describe his demeanor at all? 25 A. Okay. I didn't know that you meant before</p>	<p style="text-align: right;">Page 91</p> <p>1 he said anything. No. I thought nothing. 2 Q. And then who spoke first? Do you remember? 3 Mr. Hart or Deputy Mayfield? 4 A. I don't remember. 5 Q. And counsel asked you several questions 6 about it, and you indicated that you heard bits and 7 pieces of what Mr. Hart said; is that correct? 8 A. Yes. 9 Q. And that's because you were still 10 protesting or handing out leaflets? 11 A. I was trying to, yes. 12 Q. Who -- were any other protestors with you 13 at this time? 14 A. I think so, yes. 15 Q. Which ones? 16 A. I don't remember. 17 Q. Do you believe that it was Mr. Sage and... 18 A. Robin. 19 Q. Newkirk. 20 A. Yeah. 21 Q. Do you believe they were with you? 22 A. I believe so. 23 Q. And were you -- as we look at Exhibit 1, 24 you guys were standing in the kind of area near the 25 upper rodeo entrance; is that correct?</p>
<p style="text-align: right;">Page 92</p> <p>1 A. Yes. 2 Q. All right. And you had your banner up? 3 A. Yes. 4 Q. And you were talking to patrons? 5 A. Yes. 6 Q. Handing out leaflets? 7 A. I mean, you know, when -- we. We were. I 8 can only speak for me. I wasn't watching the other 9 protestors. So I was trying to continue to do what 10 I was there to do, which was give information to the 11 public. 12 I tried to not let them hinder that as much 13 as I could, except when they kept standing -- would 14 stand in front of me and say, "Come over here," and 15 I would not let go. That's the way they try to do 16 it all the time. They try to -- if they can't 17 arrest you, then they try to interfere with your 18 ability. 19 Q. And I know that you're talking about 20 experiences. I'm going to ask you specifically 21 about what Deputy Mayfield did and the other 22 officers did on this occasion. Okay? 23 A. Mm-hmm. 24 Q. All right. So do you recall anything that 25 Deputy Mayfield said during this second interaction?</p>	<p style="text-align: right;">Page 93</p> <p>1 A. I -- 2 Q. And this is before he leaves and you 3 believe calls his watch commander, so while he's 4 present. Do you remember anything he said? 5 A. Bits and pieces. 6 Q. Okay. What bits and pieces do you 7 specifically recall him saying? 8 A. I remember basically saying -- Pat kept 9 saying, "Are you going to arrest us? I need to know 10 now if you're going to arrest us," and he said, "No. 11 You need to go to the free speech area," and Pat 12 would say, "But if we don't, are you going to arrest 13 us?" He says, "You need to go" and something to the 14 effect of "You'll find out," or, you know, something 15 like -- you know, not saying, "No, we won't arrest 16 you," but not saying, "Yes, we will arrest you." 17 Playing this word game like Trump plays. 18 Everybody knows what he's saying, but then you can't 19 get him because he didn't say the word, the right, 20 magical word. I mean, there's -- human beings, like 21 when I'm talking to you -- you can get a sense of 22 what I'm trying to say sometimes with just one 23 little word. 24 Q. Do you remember anything else that Deputy 25 Mayfield said during this second interaction?</p>

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1 **A. Not exactly.**
 2 Q. Generally, do you remember anything else?
 3 **A. No. Let's just go with the video. I can't**
 4 **remember. I know you want my recollection, but I**
 5 **don't want to give you some quote or something that**
 6 **might not be a hundred percent accurate.**
 7 Q. Yeah, but I want to know what you heard. I
 8 understand what -- the video's going to say --
 9 **A. Okay.**
 10 Q. -- show what Deputy Mayfield said.
 11 **A. Good.**
 12 Q. I'm not worried about that.
 13 **A. Okay.**
 14 Q. I want to know what you heard.
 15 **A. Got it. So what I heard was basically "You**
 16 **guys could be arrested if you stay here." That's**
 17 **what I heard.**
 18 Q. And then what happened after that?
 19 **A. Well, then Pat said what he said, and**
 20 **Mayfield walked away to call his watch commander, I**
 21 **presume.**
 22 Q. So the interaction -- we're talking the
 23 second interaction. When Hart and Mayfield
 24 approached you and before he left to make his phone
 25 call, how long was that interaction?

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1 Q. Who told him to call his watch commander?
 2 **A. Pat probably.**
 3 Q. Did you hear Pat say that?
 4 **A. I don't remember specifically, but I know**
 5 **either he did or I did, but I'm sure it wasn't me**
 6 **because I wasn't doing a lot of the talking, I don't**
 7 **think.**
 8 Q. So when Officer Mayfield was making this
 9 call, you believed he was calling his watch
 10 commander, correct?
 11 **A. That's correct.**
 12 Q. Did you ever hear any part of that
 13 conversation?
 14 **A. No.**
 15 Q. And can you estimate how long that
 16 conversation lasted?
 17 **A. Another wild guess, under ten minutes.**
 18 Q. When you say "wild guess," that's your best
 19 estimate, correct?
 20 **A. Yeah.**
 21 Q. And while Deputy Mayfield was on the phone,
 22 what were the other officers doing?
 23 **A. I don't recall.**
 24 Q. And while he was on the phone, did you
 25 continue with your protest?

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1 **A. Really wild guess, 15, 20 minutes.**
 2 Q. And during that interaction before Deputy
 3 Mayfield left on his phone, did he ever touch you?
 4 **A. No.**
 5 Q. Did any of the officers ever touch you?
 6 **A. No.**
 7 Q. Did he grab your banner at all?
 8 **A. No.**
 9 Q. Okay. Did he take away any of your
 10 leaflets?
 11 **A. No.**
 12 Q. Can you remember what any of the other
 13 officers were doing during this interaction, this
 14 second interaction, before he went to go make a
 15 phone call?
 16 **A. Just standing behind him and next to him.**
 17 **Give him support, I suppose.**
 18 Q. And then let's go to when Deputy Mayfield
 19 left, he was on the phone, correct?
 20 **A. I saw him go into his vehicle, and he got**
 21 **on the phone.**
 22 Q. And do you specifically know who he was
 23 speaking with?
 24 **A. No, but we had just said, "Call your watch**
 25 **commander."**

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1 **A. Yes.**
 2 Q. Were you still holding the banner?
 3 **A. I don't think I was holding the banner, but**
 4 **yes, it was still up.**
 5 Q. And what were you doing?
 6 **A. I believe I had a -- I think they call them**
 7 **a placard and handing out leaflets.**
 8 Q. Like a sandwich board?
 9 **A. Without the back sandwich, yeah. A**
 10 **one-sided sandwich.**
 11 Q. So you were continuing to hand out fliers
 12 and talk to patrons, correct?
 13 **A. That's right.**
 14 Q. During that time frame, do you remember
 15 saying something to your husband, "Now he's calling
 16 his boss to see if he can get permission to arrest
 17 us"?
 18 **A. Probably. It sounds like something I'd**
 19 **say.**
 20 Q. What did you mean by that?
 21 **A. He wanted to arrest us. It was obvious.**
 22 **And now he wanted to make sure that his boss was**
 23 **going to back him up, or the watch commander, if**
 24 **that's his boss.**
 25 Q. And then at some point, did Deputy Mayfield